

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALAN DEAN HILL,

Plaintiff,

v.

JEFF LEIKAUF, et al.,

Defendants.

No. 2:23-cv-1593 AC P

ORDER

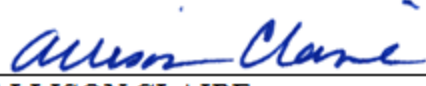
Plaintiff is a county prisoner proceeding pro se. On April 22, 2025, the undersigned screened the first amended complaint, found that it did not state a claim for relief, and granted plaintiff an opportunity to amend the complaint. ECF No. 32. Plaintiff has now filed a notice stating that “the best thing for me to do is allow you to dismiss the complaint for ‘too much supporting evidence.’” ECF No. 33.

It appears that plaintiff may wish to voluntarily dismiss this case. Plaintiff is advised that if he wants to dismiss this case, he must file a notice explicitly stating that he wants to voluntarily dismiss the case. Such dismissal would be without prejudice and would not count as a strike under 28 U.S.C. § 1915(g). Plaintiff is cautioned that if he does not voluntarily dismiss the case but fails to file an amended complaint, and the case is then dismissed by the court instead of by plaintiff himself, that dismissal would potentially count as a strike under 28 U.S.C. § 1915(g) because it would be based on the screening of the first amended complaint, which found that the

1 complaint did not state a claim for relief. If plaintiff wishes to pursue the case, he must file an
2 amended complaint.

3 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of
4 this order, plaintiff shall either (1) notify the court that he wishes to voluntarily dismiss this case
5 or (2) file an amended complaint. Failure to take any action will result in a recommendation that
6 this action be dismissed for failure to state a claim for relief and for failure to prosecute.

7 DATED: May 19, 2025

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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